

180343

P33/HB

DOCUMENTATION EVIDENCE  
EXCESSIVE FORCE COMPLAINT

EXHIBIT (3)  
OFFENDER KITE FORMS COMPLAINING OF THE TREATMENT

INMATE BLEVINS RECIEVED  
FIRST TO THE SEG. LT.

THEN TO THE O.S.I.

THEN TO THE WARDERN

ALL RESPONCESFROM THE ADMINISTRATION

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DOCUMENTATION OF BLEVINS SUFFERED FROM STAFF ASSULT INJURYS  
from rush city health services  
(exhibit 3)

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EXHIBIT (4)

PROOF OF THE PHONY CHARGE OF THEFT WITH NO PROPERTY STOLEN  
OR FOUND OR MISSING

RECEIVED  
BY MAIL  
FEB 07 2018  
CLERK, US DISTRICT COURT  
MINNEAPOLIS, MN

SCANNED  
FEB 07 2018  
U.S. DISTRICT COURT MPLS

EXhibit 3

STATE OF MINNESOTA  
Department of Corrections

DATE & TIME	1-24-17	Continue	States "Since I am paying \$5 <sup>00</sup> , I want to be tested for Hepatitis." When asked to describe his symptoms he stated "my stomach hurts." Again will not cooperate in answering questions re his supposed ailment. He has a very poor compliance percentage. Barely taking his Hctg and Cozmo. Will schedule with Dr. [unclear] will consult provider for EKG prior to appointment.
2/5/17 0800	1-18-17 1900		EKG completed. Results given to provider - [unclear] offender placed in restraint chair initial restraint.
2/18/17- 2030			<p>Date: 2/18 Time: 2030</p> <p>Nursing notified by security that offender was admitted to segregation; health screening and review of medications completed at this time, advised offender that screening rounds are conducted daily in segregation.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Referred for immediate emergency treatment</li> <li><input type="checkbox"/> Referred for mental health assessment within 24 hours</li> <li><input type="checkbox"/> Provider consulted, orders received and implemented</li> <li><input type="checkbox"/> Scheduled to see medical provider</li> <li><input type="checkbox"/> Treatment initiated per standing orders for</li> <li><input checked="" type="checkbox"/> No urgent or emergent medical or mental health needs assessed.</li> </ul> <p>Wellness check completed. Requesting band-aids and bacitracin. Gave bandaid and bacitracin.</p> <p>EXhibit 3</p>
2-18-17 1900			Offender Blevins was taken to CX1W & placed in the restraint chair, initial restraint check was completed all extremities have good CRTs. offender is anxious & uncooperative.
2/23/17 1200			<p>WT: Seg P: 92 R: 116 02: 97 T: 98.4</p> <p>BP R/L ARM: (L) arm- 180/150 (L) arm- 173/109 PAIN: "A lot"</p> <p>Was seen in segregation for sick call. States - on 1/18/17 he was injured by staff.</p> <p>C/O pain in upper (L) side of back. Has (L) arm numbness and pain behind (L) ear. Discoloration noted behind (L) ear along with dry/scaly skin. Discoloration noted in 4 different places around (L) eye. Muscle inflammation felt in (L) upper side of back. EMS in (L) arm intact. Radial pulse present. BP extremely high and not taking BP meds. Educated on need to take BP meds.</p>

175773

5/4/1975

OID

Blevins, Earley Romero

5070020043

PROGRESS NOTES

MINNCOR



**MCF – Rush City**  
**OFFICE**  
**MEMORANDUM**

**DATE:** April 18, 2017

**TO:** Earley BLEVINS #175773

1W 126L

**FROM:** *Jeff Titus*  
Jeff Titus, Warden

**SUBJECT:** Kite response

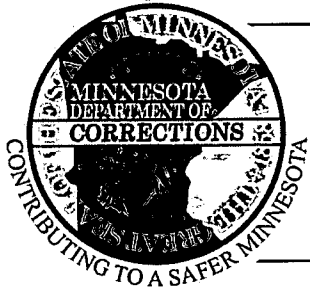
Commissioner Roy asked me to respond to the letter that was received in his office on April 7.

This issue has been addressed previously. As has been explained to you and even outlined in your discipline documents, you were not "falsely charged" of stealing from the kitchen. It is standard procedure, as you know, that all kitchen workers are pat searched upon leaving the kitchen/dining rooms. Your negative behavior during the pat searched is what resulted in you receiving discipline.

I understand you have a filed a claim on this matter. I would encourage you to allow the claims officer to process the information you submitted. You will hear the outcome in the near future. That being said, this will be the final response to this issue.

I encourage you to work with facility staff during the remainder of your incarceration. By doing so, you may develop insight to see how your behavior directly causes the circumstances you find yourself in, both good and bad.

cc: DOC Claims



**Central Office**

1450 Energy Park Drive Suite 200 • St. Paul MN, 55108  
PH 651.361.7200 • Fax 651.642.0223 • TTY 800.627.3529  
[www.doc.state.mn.us](http://www.doc.state.mn.us)

April 17, 2017

Earley Blevins, #175773  
MCF- Rush City  
7600 525<sup>th</sup> Street  
Rush City, MN 55069

**Re: Injury**

Mr. Blevins:

You claim you were injured on February 23, 2017, at MCF-Rush City when staff restrained you during an incident. Because the injury you sustained did not result from your performance of assigned duties, it cannot be handled using the Department's administrative process.

Respectfully,

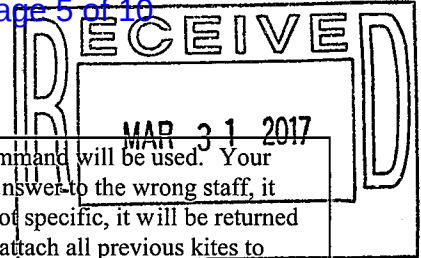
*/s/ Jean M. Whitney*

Jean M. Whitney  
Associate General Counsel

cc: Claims Coordinator, MCF-RC

EXhibit 1

**Minnesota Department of Corrections**  
**OFFENDER KITE FORM**



Offenders are encouraged to communicate with staff at all levels, but it is expected that the chain of command will be used. Your kite should be directed to the staff who can best answer your question. If you send a kite requiring an answer to the wrong staff, it will be returned to you. Kites are to be used for offender to staff correspondence only. If your kite is not specific, it will be returned for additional information. If you want your kite reviewed further up the chain of command, you must attach all previous kites to show the previous responses.

To: Mr. Smith Date: March 23-17  
 From: Earley Blew OID# 175773  
 Facility/Unit 1-W Room/Cell 120 Casemanager: \_\_\_\_\_

Other staff you have contacted regarding this issue and the outcome/decision (attach responses):

your last response was 3-4 weeks ago I just got it I  
believe my mail is being purposely put in seg properly

Issue: So my purpose in writing this kite is because this  
whole incident is not sitting well with me in the chain of events  
I was accused of stealing out of the kitchen with only a ace

bandage taken to seg because of the way I communicated  
and looked while handcuff thrown on a mattress with some one  
else's blood here and mouth forcibly smash into it with no

regards for my health (Hiv Hep C) which can last 10 years on suffers

I moved my body to get out of the blood since they didn't care  
while in the chair (Michael Smith) repeatedly choked me

when he release I started gasping for air and spitting  
he said you fucking spit on me and punched me in the eye

Response from: Smith 4/3/17 Date: (Turn over)

You need to follow the correct process to  
get your medical needs.

Return to: \_\_\_\_\_ OID#: \_\_\_\_\_ Unit: \_\_\_\_\_ Room/Cell: \_\_\_\_\_

As a man I have to be honest with myself, can I  
except being treated this way? and did I do some  
thing to these officers to go out of the realm of Doc  
discipline ~~and~~ and inflict corporal punishment  
on me? Please tell the Medical Records lady to  
give me my copy's that I paid for I gave them the  
receipt informed what wanted to be copied I have  
been asking for a month and I am within policy for my  
request if I can't get this next week I need to contact ~~somebody~~  
question for you: if I got injured by your staff and asked  
your staff to document my injuries with photo's: OSI said no  
to Peterson, is this normal policy?)

Exhibit 2

## Minnesota Department of Corrections

## OFFENDER KITE FORM

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To: O.S.I. Date: Feb-23  
 From: Corey Plevins OID# 175773  
 Facility/Unit 17W Room/Cell 120 Casemanager: \_\_\_\_\_

Other staff you have contacted regarding this issue and the outcome/decision (attach responses):  
 \_\_\_\_\_  
 \_\_\_\_\_

Issue: you are doing your investigation About  
whether I spit on a officer, I realize you  
have to do you Job, however like I told you  
I have injury's as well when I was in handcuffs  
on my face behind my ear, I would request  
these injury's to Be "Photographed"

Response from: \_\_\_\_\_ Date: \_\_\_\_\_  
to preserve evidence in this incident  
Thank you

Please contact Lt. Peterson for this  
Request.

Thanks

Return to: \_\_\_\_\_ OID#: \_\_\_\_\_ Unit: \_\_\_\_\_ Room/Cell: \_\_\_\_\_

Blevins 175773  
1 WP20Lcx / West



## Minnesota Department of Corrections

## OFFENDER KITE FORM

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To: H. Peterson Date: 3-15-17

From: Earley Blewins OID# 175773

Facility/Unit 1-W Room/Cell 120 Casemanager: \_\_\_\_\_

Other staff you have contacted regarding this issue and the outcome/decision (attach responses):

Issue: I would like to know the process of an  
inmate with visible abrasions on the face  
to get pictures just like when inmates are  
fighting for record of evidence

Response from: [Signature] Date: 3/20/17

Write OSI

Return to: Blewins OID#: 175773 Unit: 1W Room/Cell: 120L



**Minnesota Department of Corrections**  
**Discipline - Rush City**  
**Notice of Violation - Report # 521595**

OID: 175773 Name: Blevins, Earley Romero

Living Assignment: MCF-RC 1W B Lower 120 Lower

EXHIBIT (4)

You are being charged with violating the following Offender Discipline Regulations:

160 Disobeying a Direct Order	Max Days: LOP 30, SEG 15, RS 5, EI 0
170 Interference with Security Procedures	Max Days: LOP 30, SEG 15, RS 5, EI 0
190 Unauthorized Control, Theft, Possession, Transfer or Use of Property	Max Days: LOP 30, SEG 15, RS 5, EI 0
300 Abuse/Harassment	Max Days: LOP 30, SEG 15, RS 5, EI 0
310 Threatening Others (RCV) Risk Code	Max Days: LOP 30, SEG 30, RS 10, EI 10
320 Disorderly Conduct	Max Days: LOP 30, SEG 15, RS 5, EI 0
386 Possession of Other Contraband	Max Days: LOP 30, SEG 30, RS 10, EI 10
411 Assault Staff (RCV) Risk Code	Max Days: LOP 0, SEG 60, RS 10, EI 120

Date of Incident 02/18/2017 18:35

Location CCRTNDA

Date Charged 02/21/2017

Reporting Staff Haskamp, Eric

**Narrative**

Staff were conducting contact searches of the kitchen workers. During the search of Offender #175773 Blevins, Early the officer felt something hard around his right knee. The officer asked what was wrapped around his leg and Blevins said, "It's nothing metal! It's nothing like cheese or some shit." Blevins then started to walk away from the officer and Blevins was asked again what was around his leg. Blevins got very upset and pulled up his right pant leg and pulled an ACE wrap off of his leg and threw it on the floor. Blevins was escorted to the holding cell. Blevins was asked multiple times if he would comply with the unclothed body search. Blevins began to argue and said, "You said you could take me to seg. I don't care. Take me to seg. There's no cuffs on me. If I wanted to, I could break away from these guys. Just take me to seg." During the escort to segregation, Blevins told the officer that he was a little bitch. Blevins refused to put his shoes on and started to call the other officer a punk ass bitch. Once in segregation, an ICS was activated as Blevins was resisting staff and refused to comply with directives. Blevins said, "Get off me gay ass mother fuckers. You all keep fucking with me! You're making my night hard. I am going to make your night hard." Blevins was then placed in the restraint chair and was resisting having his legs placed into the restraints. Blevins was spitting and the officer felt saliva land on the right side of his face. Blevins continued to spit through the expectorant control device. Blevins said, "I'm gonna get you" and began to draw mucus into his mouth so he could spit again. Blevins was secured in the cell. The bandage was placed into evidence.

The following adverse witnesses may be allowed to testify:

Beavens, Tammie / Peterson, Kenneth / Hoiland, Roy / Kupfer, Richard / Mollhoff, Peter / O'Brien, Nathan / Haskamp, Eric / Smith, Michael / Kunshier, Jason / Mariakis, Brandon

The following evidence may be introduced:

Incident Reports / Evidence Case 28698, 28699 / Surveillance Video

Your hearing is tentatively scheduled for 02/24/2017